



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,194	05/31/2001	Shiro Miyagi	SONYJP 3.0-175	9887
7590 06/03/2005				
LAW OFFICES LERNER, DAVID, LITTENBERG KRUMHOLZ & MENTLIK, LLP 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090-1497		EXAMINER		
		YE, LIN		
		ART UNIT PAPER NUMBER		
		2615		
DATE MAILED: 06/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,194

Applicant(s)

MIYAGI ET AL.

Examiner

Lin Ye

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 and 22 filed on 1/13/05 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1, 3, 4, 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. Japan Patent Publication 10-070641 in view of Safai et al. U.S. Patent 6,167,469 and Smith et al. U.S. Patent 6,192,407.

Referring to claim 1, the Maeda reference discloses in drawing 1-7, an image data communication system comprising: an image processing apparatus (an apparatus of image transmitting side as shown in drawing 1) comprising an image processing circuit (picture compression circuit 18, see Detailed Description [0012]) for converting a captured image signal to image data having a reduced data size that can be readily processed in a remotely located image display apparatus (e.g., the picture compression circuit 18 converting the image signal to low resolution image as a reduced data size image in matching with a display

capability of a image display of a remote receiving side, see Detailed Description [0023]-[0026]) of a transmission destination and a transmission circuit (sending circuit 22 and antenna 24) for outputting said converted image data to the remote display apparatus; and said image display apparatus display an image using said converted image data. However, the Maeda reference does not explicitly show outputting image data along with additional data including transmission destination information associated with said image display apparatus; and an image distribution server remotely located from said image processing apparatus for receiving said converted image data and said additional data.

The Safai reference teaches in Figures 4, 6 and 7, an image data communication system comprising: an image processing apparatus (camera 100) sends image data along with additional data including transmission destination information (e.g., e-mail address, see Col. 8, lines 64-67) associated with said image display apparatus (display 712, printer 612 or computer server 610); an image distribution server remotely located from said image processing an image distribution server (server 601, See Col. 13, lines 65-66 and Col. 14, lines 1-11) remotely located from said image processing apparatus for receiving said converted image data (in a universal file format, such as GIF, JPEG, etc.) and said additional data; and forward the image data to the image display apparatus using said transmission destination information (See Col. 14, lines 9-25). The Safai reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image data communication system having more flexible options to include an remote image distribution server connected with image processing apparatus for receiving the converted image data along with a transmission destination information so that a plurality of remote destination image

display apparatus can receive the image data simultaneously and quickly from image distribution server through the network. For that reason, it would have been obvious one of ordinary skill to modify the system of Maeda ('641) by providing an image distribution server remotely located from said image processing apparatus for receiving said converted image data and said additional data as taught by Safai ('469).

The Maeda and Safai references do not explicitly show the image distribution server generating electronic address information to notify the image display apparatus; the image display apparatus being operative to receive said electronic address information, retrieve said converted image data using said electronic address information.

The Smith reference teaches in Figure 20, a binary file delivery system (see col. 3, lines 35) comprising: an image distribution server (server 315, see Col. 15, lines 29-35) remotely located from said image processing apparatus (sender 300) for receiving the converted image data (binary data 34) and the additional data (descriptor 36, see Col. 4, lines 35-38) , generating electronic address information (URL) used for retrieving and viewing said image (binary file) data, and transmitting said electronic address information to said image display apparatus using said transmission destination information (e-mail information); and image display apparatus (recipient 320) being operative to receive said electronic address information, retrieve said converted image data using said electronic address information. The Smith reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image distribution server generating electronic address information to notify the image display apparatus; and the image display apparatus retrieve the image data using said electronic address information so that the server can be constructed to track image

data (binary document) and report the delivery state of a document back to the sender (see Col. 15, lines 60-67). For that reason, it would have been obvious one of ordinary skill to modify the system of Maeda ('641) and Safai ('469) by providing the image distribution server generating electronic address information to notify the image display apparatus; the image display apparatus being operative to receive said electronic address information, retrieve said converted image data using said electronic address information as taught by Smith ('407).

Referring to claim 3, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected claim 1, and the Safai discloses transmission destination information comprises an e-mail address associated with the image display apparatus (See Safai's Figure 4f and col. 14, lines 10-20); and Smith reference discloses said electronic address information comprises a URL (see Smith's Figure 20 and col. 15, lines 30-40).

Referring to claim 4, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected claim 1, and the Maeda reference discloses wherein said image display apparatus is a portable terminal (4 inches LCD) capable of displaying an image (See Detailed Description [0025]).

Referring to claim 6, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected claim 1, and the Maeda reference does not explicitly show the image data communication system comprising a wired network for transmitting the selected amount of image data from the image pickup apparatus to the image display apparatus.

The Safai reference teaches in Figures 6-7, the image data communication system comprising a wired network and a wireless transmission path (e.g., the network can be any data communication network including phone line or wireless links, see Col. 13, lines 25-30 and Col. 18, lines 10-15) for transmitting image data from the image processing apparatus (camera 100) to image display apparatus (display 712, printer 612 or computer server 610). The Safai reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image data communication system having more flexible option to include any data communication networks so that can provide more services such as handle the a plurality of connections, communication protocols, storage or printing services, etc easily. For that reason, it would have been obvious on of ordinary skill in the art to modify the system of Maeda ('641) by providing a wired network or wireless links for transmitting the selected amount of image data from the image pickup apparatus to the image display apparatus as taught by Safai ('469).

Referring to claim 7, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected claim 6, and the Safai reference discloses image data output from said image processing apparatus is uploaded with said data size unchanged to an image storage server connected to said wired network as shown in Figure 6 (See col. 14, lines 1-25).

Referring to claim 8, the Maeda Safai and Smith references disclose all subject matter as discussed in respected claim 6, and the Safai reference discloses wherein said image display apparatus downloads said image data from said image storage server (e.g. the services 602 uploads the selected amount image data from camera 100 to designated storage serve or Web

site, and the remote computer, PDA or display apparatus can download the image data from the server or Web site, see Col. 14, lines 59-67 and Col. 15, lines 1-10).

Referring to claim 9, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected claim 6, and the Safai ('469) reference discloses in Figures 6-7, the image data communication system comprising a wired network and a wireless transmission path (e.g., the network can be any data communication network including phone line or wireless links, see Col. 13, lines 25-30 and Col. 18, lines 10-15).

Referring to claim 10, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected with same comments to claim 7.

Referring to claim 11, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected with same comments to claim 8.

Referring to claim 12, the Maeda Safai and Smith references disclose all subject matter as discussed in respected claim 1, and the Maeda reference discloses further comprising communication apparatus (sending circuit 22 and antenna 24) connected to said image processing apparatus and herein image data is output to said image display apparatus via said communication apparatus (see Detailed Description [0010]).

Referring to claim 13, the Maeda Safai and Smith references disclose all subject matter as discussed in respected claim 1, and the Maeda reference discloses wherein said image processing apparatus includes a communication apparatus (sending circuit 22 and antenna

24) operative to output said image data from said image processing apparatus (see Detailed Description [0010]).

Referring to claim 14, the Maeda Safai and Smith references disclose all subject matter as discussed in respected claim 1, and the Maeda reference discloses wherein said image display apparatus (receiving side) includes a communication apparatus (110) operative to receive said image data as shown in Figure 4 (See Detailed Description [0016]).

Referring to claim 15, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected with same comments to claim 1.

Referring to claim 16, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected with same comments to claim 3.

Referring to claim 17, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected with same comments to claim 6.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. Japan Patent Publication 10-070641 in view of Safai et al. U.S. Patent 6,167,469, Smith et al. U.S. Patent 6,192,407 and Parulski et al. U.S. Patent 5,666,159.

Referring to claim 2, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected claim 1, except the Maeda reference does not explicitly show wherein said image processing apparatus records said image signal onto a recording medium.

The Parulski reference teaches in Figures 7-11, an image processing apparatus (48) comprising: control processing unit (62), camera module (68) and recording medium (64); and image processing apparatus records the image signal onto a recording medium (64) before transmitting the image signal to remote display apparatus as shown in Figures 10-11. The Parulski reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image processing apparatus records the image signal onto a recording medium so that the image signal can be safely stored without accidentally lost for late processing. For that reason, it would have been obvious one of ordinary skill to modify the system of Maeda ('641) by providing a recording medium for recording the image signal as taught by Parulski ('159).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. Japan Patent Publication 10-070641 in view of Safai et al. U.S. Patent 6,167,469, Smith et al. U.S. Patent 6,192,407 and Watanabe et al. U.S. Patent 6,642,958.

Referring to claim 5, the Maeda, Safai and Smith references disclose all subject matter as discussed in respected claim 1, except the Maeda reference does not explicitly show wherein said image processing apparatus uses a subtractive color process to convert said image signal to said image data having a data size in compliance with an image display capability of the image display apparatus.

The Watanabe reference teaches in Figures 1 and 6-7, an image data communication system, comprising: the display 7 has resolution: 320x240 pixels and amount of information of one pixel: 8bits, monochrome; and this means of the maximum amount of image data =

$320 \times 240 \times 8 = 614400$ bits can be displayed on the display 7; see Col. 10, lines 46-54; and an image processing apparatus (camera unit 1, see Col. 10, lines 58-63) operable to capture an image as an image signal (the image pickup unit 1 has resolution 640×480 pixels and amount of information of one pixel: color, 8 bits for each colors R, G and B, 24 bits in all; this means the total amount of image data captured by image pickup unit = $640 \times 480 \times 24 = 7372800$ bits which is larger than the maximum amount of image data can be displayed on the display 7), image processing apparatus uses a subtractive color process to convert said image signal to said image data having a data size in compliance with an image display capability of the image display apparatus (only selecting the data of color G for display device 7, see Col. 11, lines 25-30). The Watanabe reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image processing apparatus uses a subtractive color process to convert said image signal so that the image signal can be display on the monochrome type of display. For that reason, it would have been obvious one of ordinary skill to modify the system of Maeda ('641) by providing a image processing apparatus that uses a subtractive color process to convert said image signal to said image data having a data size in compliance with an image display capability of the image display apparatus as taught by Watanabe ('958).

6. Claims 18-19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. Japan Patent Publication 10-070641 in view of Safai et al. U.S. Patent 6,167,469.

Referring to claim 18, the Maeda reference discloses in drawing 1-7, an image data communication system comprising: an image processing apparatus (an apparatus of image

transmitting side as shown in drawing 1) comprising an image processing circuit (picture compression circuit 18, see Detailed Description [0012]) for converting a captured image signal to image data having a reduced data size that can be readily processed in a remotely located image display apparatus (e.g., the picture compression circuit 18 converting the image signal to low resolution image as a reduced data size image in matching with a display capability of a remote image display of a receiving side, see Detailed Description [0023]-[0025]) of a transmission destination and a transmission circuit (sending circuit 22 and antenna 24) for outputting said converted image data to the remote display apparatus; and said image display apparatus display an image using said converted image data. However, the Maeda reference does not explicitly show outputting image data along with additional data including an electronic address associated with the remotely located image display apparatus via a communications network.

The Safai reference teaches in Figures 6-7, the image data communication system comprising an image processing apparatus (camera 100) sends image data along with additional data including electronic address (e.g., e-mail address, see Col. 8, lines 64-67) associated with said image display apparatus (remote computer system) via a wired network and a wireless transmission path (e.g., the network can be any data communication network including phone line or wireless links, see Col. 13, lines 25-30 and Col. 18, lines 10-15) for transmitting image data from the image processing apparatus (camera 100) to image display apparatus (display 712, printer 612 or computer server 610). The Safai reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image data communication system having more flexible options to include an remote image distribution

server connected with image processing apparatus for receiving the converted image data along with a transmission destination information so that a plurality of remote destination image display apparatus can receive the image data simultaneously and quickly from image distribution server any communication type of network. For that reason, it would have been obvious on of ordinary skill in the art to modify the system of Maeda ('641) by outputting image data along with additional data including an electronic address associated with the remotely located image display apparatus via a communications network as taught by Safai ('469).

Referring to claim 19, the Maeda and Safai references disclose all subject matter as discussed in respected claim 18, and the Maeda reference discloses wherein said transmission circuit is operable to wirelessly transmit said image data as shown in drawing 1.

Referring to claim 22, the Maeda and Safai references disclose all subject matter as discussed in respected with same comments to claim 18.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. Japan Patent Publication 10-070641 in view of Safai et al. U.S. Patent 6,167,469 and Parulski et al. U.S. Patent 5,666,159.

Referring to claim 20, the Maeda and Safai references disclose all subject matter as discussed in respected claim 18, except the Maeda reference does not explicitly show wherein said image processing apparatus records said image signal onto a recording medium.

The Parulski reference teaches in Figures 7-11, an image processing apparatus (48) comprising: control processing unit (62), camera module (68) and recording medium (64);

Art Unit: 2615

and image processing apparatus records the image signal onto a recording medium (64) before transmitting the image signal to remote display apparatus as shown in Figures 10-11. The Parulski reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image processing apparatus records the image signal onto a recording medium so that the image signal can be safely stored without accidentally lost for late processing. For that reason, it would have been obvious one of ordinary skill to modify the system of Maeda ('641) by providing a recording medium for recording the image signal as taught by Parulski ('159).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2615

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID L. OMETZ
PRIMARY EXAMINER

Lin Ye
May 31, 2005